

City Clerk File No. Ord. 17-001

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-001

**TITLE ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE WATER STREET REDEVELOPMENT PLAN
CREATING STANDARDS FOR SPLIT ZONED DEVELOPMENT SITES**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Water Street Redevelopment Plan (the "Plan") in March of 2000; and

WHEREAS, the Municipal Council seeks to promote appropriate development along the Route 440 Corridor; and

WHEREAS, the attached amendments to the Water Street Redevelopment Plan have been reviewed by the Planning Board, at its regular meeting of December 20, 2016; and

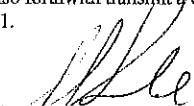
WHEREAS, the Planning Board voted to recommend adoption of these amendments by the Municipal Council; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Water Street Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Maryann Bucci-Carter, PP, AICP
Acting Director, Division of City Planning

APPROVED AS TO LEGAL FORM


Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: 

APPROVED:

Business Administrator

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution/ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution/ordinance.

Full Title of Ordinance/Resolution**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE WATER STREET REDEVELOPMENT PLAN
CREATING STANDARDS FOR SPLIT ZONED DEVELOPMENT SITES****Initiator**

Department/Division	HEDC	City Planning
Name/Title	Maryann Bucci-Carter, PP, AICP	Director / maryannb@jcnj.org
	Tanya Marione, PP, AICP	Senior Planner / MWard@jcnj.org
Phone/email	201-547-5010	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

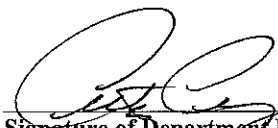
Purpose

This ordinance will adopt amendments to the Water Street Redevelopment Plan to create bulk and use standards for split zoned development sites. Amendments were also made the circulation map of the plan to further delineate future roads. These amendments are intended to update the plan which was originally adopted in 2000.

I certify that all the facts presented herein are accurate.


Signature of Division Director

1/3/17
Date


Signature of Department Director

1/3/17
Date

**Proposed Amendments to the Water Street Redevelopment Plan
as presented to the Jersey City Planning Board on _____**

November 30, 2016

Text that is unchanged is in plain face type like this.

~~Text that is deleted is in strike-through highlighted like this.~~

Text that is added is in bold and italics like this.

SECTION I through SECTION XIV.....NO CHANGE

XV. Split Zoned Development Sites: Any consolidated *contiguous* development site of at least 5 acres in area and which overlaps multiple *the Mixed-Use Residential and Highway Mixed-Use* zone districts (*Split Zoned Site*) and receives a single preliminary site plan approval (Final Major Site Plan approval may be applied for in phases) may utilize an overall residential development density of 115 units per acre for the entire site as a substitute for the F.A.R. and unit/acre maximums permitted within each zone. *Any Split Zoned Site that meets the requirements of this Section XV shall be subject to the following standards instead of the standards required within each zone and in lieu of any other applicable standards contained in any other sections of this Redevelopment Plan.*

A. Permitted Principal Uses

- 1. Multi-family Residential**
- 2. Commercial Uses**
 - a. Retail Sales and Services**
 - b. Child Care Centers**
 - c. Offices**
 - d. Medical Offices**
 - e. Restaurants (category one and two only) including outdoor cafes**
 - f. Bars**
 - g. Theaters**
 - h. Financial institutions and services**
 - i. Health Clubs / Fitness Centers**
 - j. For properties in the Mixed-Use Residential portion of a Split Zoned Site, the above commercial uses may only occupy the ground floor; except that restaurants, theaters, and/or health clubs/fitness centers may also occupy the second floor provided that the second floor use is connected internally to the ground floor.**
- 3. Structured Parking – The parking provided within these structures may only serve buildings located within the Split Zoned Site. Shared use parking is permitted. Commuter parking is prohibited.**
- 4. Mixed Uses in any combination of the above.**

B. Permitted Accessory Uses and Structures

1. *Off-street structured parking.*
2. *Fences & Walls.*
3. *Recreation areas, swimming pools, gymnasiums, meeting rooms, and other similar facilities, including roof-top recreation space.*
4. *Home Occupations.*
5. *Such other uses customarily associated with and subordinate and incidental to a permitted use within the district.*

C. Bulk Standards

1. *Minimum Lot Area: 6,000 square feet*
2. *Minimum Lot Width: 60 feet*
3. *Maximum Permitted Height:*
 - a. *For any property in the Mixed-Use Residential Zone portion of the Split Zoned Site – 7 stories*
 - b. *For any property in the Highway Mixed-Use Zone portion of the Split Zoned Site– 12 stories*
4. *Floor to Ceiling Height Standards*
 - a. *Minimum floor-to-ceiling height*
 - i. *Residential – 9 feet*
 - ii. *Commercial – 10 feet*
 - c. *Maximum floor-to-ceiling height*
 - i. *Residential – 12 feet*
 - ii. *Commercial – 24 feet, which may include a mezzanine.*
5. *Required front yard - 0'*
All street frontages shall be treated as a front yard
6. *Required side yard – 5 feet, except that parking levels may be built to the side lot line.*
All property lines that intersect with, and are roughly perpendicular to, a street line shall be considered a side property line.
7. *Required rear yard – 20 feet.*

D. *Parking Standards*

- 1. *Residential: Minimum - 0.5 space/unit; Maximum - 1 space/unit***
- 2. *Commercial: Minimum - 0; Maximum - 1 space/1,000 of G.F.A.***
- 3. *Shared use parking is encouraged. Parking facilities may be located on any lot or development parcel within the Split Zoned Site and may be used by any property within the Split Zoned Site. Parking spaces are not required to be included within the leasehold for any dwelling unit or commercial use.***

E. *Loading Requirements*

- 1. *The requirements of the Zoning Ordinance of the City of Jersey City shall apply.***

F. *Circulation – A Split Zoned Site shall be developed in a regular street grid pattern as indicated on Map 5. To be amended as attached*

G. *Landscaping and Buffers*

- 1. *Landscaping shall be required for any part of any parcel not used for buildings, hardscape, off-street parking and/or loading. All site plans shall include a landscape plan indicating the location, size and quantity of the various plant species to be used. A minimum of ten (10%) percent of any lot, site or parcel must be landscaped area. Landscaped courtyards, rooftops, setback areas and yards may be included in the calculation of the required ten (10%) percent landscaped area. Street trees shall be planted at the curb line along new and existing streets.***
- 2. *All lots that share a rear property line with existing residential properties shall provide a buffer along said property line consisting of a six (6) foot high decorative screen fence, or equivalent fence as approved by the Planning Board, located along the property line. Chain link or chain/metal mesh of any kind is prohibited. The buffer strip shall be planted with evergreen trees and shrubs. Buffers are not required along new or existing street lines.***

H. *Permitted Signage*

- 1. *The street address for all buildings must be clearly displayed,***

2. *Residential Uses – One sign not to exceed twelve (12) square feet, attached flush to the building wall identifying the name of the building shall be permitted on each street frontage. Signage may also be displayed within the glass door or lobby area at the entrance to the building and on any building entrance canopy.*
2. *Commercial Uses - Each commercial use shall be permitted one sign for each commercial bay that it occupies. Commercial uses that front on multiple streets may have signage on each street. The permitted signage shall be located in a sign band along the street frontage of the building. The sign band shall not exceed 18 inches in height, except that the sign band along Route 440 shall not exceed 24 inches in height.*
3. *In the alternative, a uniform design signage package for proposed signage within the Split Zoned Site may be submitted to the Planning Board for review as part of the Site Plan Application. Upon approval of the uniform design signage package, the design standards proposed in the uniform design signage package shall apply instead of the standards found in paragraphs 1 and 2 above or elsewhere in this plan.*

1. *Interim Uses*

1. *Surface parking lots as an interim use may be permitted by the Planning Board in order to implement the phased development of a Split Zoned Site. Since the surface parking lot is temporary in nature, the developer is not required to comply with Section VII.B. of this Redevelopment Plan. A surface parking lot is permitted in the front yard, subject to the provision of reasonable screening, such as evergreen landscaping, as approved by the Planning Board. A surface parking lot may be approved by the Planning Board for an initial period not to exceed three (3) years. Extensions of the initial period may be granted by the Planning Board. Interim commuter parking is prohibited.*
2. *Leasing, sales and construction trailers, subject to the provisions of this Section XV, may be permitted by the Planning Board as an interim use for an initial period not to exceed three (3) years. Extensions of the initial period may be granted by the Planning Board.*



WATER STREET REDEVELOPMENT PLAN
MAP 5: CIRCULATION MAP

Legend

 NEW STREET RIGHT OF WAY



APRIL 20, 2012

0 100 200 400 600 800
Feet

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-001
TITLE: 3.A JAN 11 2017 4.A JAN 25 2017

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments to the Water Street Redevelopment Plan
creating standards for Split Zoned Development Sites.

RECORD OF COUNCIL VOTE ON INTRODUCTION <u>JAN 11 2017 8-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <u>JAN 25 2017 8-0</u>											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	<u>ABSENT</u>			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

MIKE KULOWSKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <u>JAN 25 2017 8-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	<u>ABSENT</u>			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 11 2017
Adopted on second and final reading after hearing on JAN 25 2017

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on JAN 25 2017

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED: [Signature]
Rolando R. Lavarro, Jr., Council President

Date JAN 25 2017

APPROVED: [Signature]
Steven M. Fulop, Mayor
Date JAN 30 2017

Date to Mayor JAN 26 2017

City Clerk File No. Ord. 17-002

Agenda No. 3.B 1st Reading

Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-002

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR REDEVELOPMENT PLAN FOR THE CREATION OF THE SCIENCE AND TECHNOLOGY DISTRICT

WHEREAS, the Municipal Council of the City of Jersey City, originally adopted the Liberty Harbor Redevelopment Plan in March 1973; and

WHEREAS, the Municipal Council seeks to redevelopment of the area surrounding the Liberty Science Center by updating the standards and regulations within this redevelopment plan; and

WHEREAS, these amendments shall create the Science and Technology District which provides use and bulk regulations, an objective statement and other standards for the anticipated SciTech City development; and

WHEREAS, a copy of the amended text is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

WHEREAS, the Liberty Harbor Redevelopment Plan has been reviewed by the Jersey City Planning Board at its meeting of December 20, 2016; and

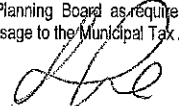
WHEREAS, the Planning Board voted to make a floor amendment to add hotel to the list of permitted uses at its meeting of December 20, 2016; and

WHEREAS, the Planning Board voted to recommend amendments of the Liberty Harbor Redevelopment Plan by the Municipal Council; and

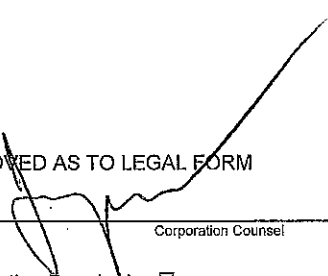
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that amendments to the Liberty Harbor Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Maryann Buccicarter, PP, AICP, Director of City Planning

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 

APPROVED: _____

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution/ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution/ordinance.

Full Title of Ordinance/Resolution**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE LIBERTY HARBOR REDEVELOPMENT PLAN
FOR THE CREATION OF THE SCIENCE AND TECHNOLOGY DISTRICT****Initiator**

Department/Division	HEDC	City Planning
Name/Title	Maryann Bucci-Carter, PP, AICP	Director / maryannb@jcnj.org
	Matt Ward, PP, AICP	Senior Planner / MWard@jcnj.org
Phone/email	201-547-5010	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Purpose

This ordinance will adopt amendments to the Liberty Harbor Redevelopment Plan in large part to create the Science and Technology district. This district includes the Liberty Science Center and future SciTech City development. Other housekeeping amendments are included to update the plan which was originally adopted in March 1973.

I certify that all the facts presented herein are accurate.



Signature of Division Director

12/27/16

Date



Signature of Department Director

12/27/16

Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR REDEVELOPMENT PLAN FOR THE CREATION OF THE SCIENCE AND TECHNOLOGY DISTRICT

This ordinance will adopt amendments to the Liberty Harbor Redevelopment Plan in large part to create the Science and Technology district. This district includes the Liberty Science Center and future SciTech City development. These amendments provides use and bulk regulations, an objective statement and other standards for the anticipated SciTech City development. Other housekeeping amendments are included to update the plan which was originally adopted in March 1973.

Proposed Amendments to the Liberty Harbor Redevelopment Plan

October 24, 2016

Revised December 13, 2016

Floor Amendments December 20, 2016

Text to be deleted is indicated as a ~~strike through~~.

Text to be added is indicated as ***Bold Italic***.

A yellow highlight has been added to proposed changes for ease of identification.

Sections which are not to be altered or amended are noted as **NO CHANGE**.

I. BOUNDARY DESCRIPTION

NO CHANGE

II. DESCRIPTION OF PROJECT

A. Redevelopment Plan Objectives

11. The creation of a multi-function science and technology district to promote learning and innovation.

B. Types of Proposed Redevelopment Actions – NO CHANGE

C. Duration and Effective Date of Controls – DELETE SECTION:

~~The land use provisions and building requirements and/or any modification thereof shall remain in effect for a period of thirty (30) years from the date of approval of this Redevelopment Plan by the governing body of the City of Jersey City. The termination of this Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof.~~

The redevelopment of property within the boundaries of this plan has not proceeded at the expected rate. The original thirty (30) year duration must be extended. An additional twenty (20) years shall be added to the plans duration. Therefore, the land use provisions and building requirements and/or any modifications thereof shall remain in effect for a period of fifty (50) years from the original date of approval of this redevelopment plan by the governing body of the City of Jersey City.

III. LAND USE REQUIREMENTS

A. Permitted Uses

1. Multi-Purpose District – **NO CHANGE**
2. Industrial District – **NO CHANGE**
3. Park District – **NO CHANGE**
4. Residential Mixed-Use District - **NO CHANGE**
5. *Science and Technology District:*
 - a) *Research and Development Facilities*
 - b) *Laboratories*
 - c) *Museums and Science Centers*
 - d) *Light manufacturing, assembly, and prototyping*
 - e) *Schools, Colleges and Universities*
 - f) *Incubator Uses*
 - g) *Restaurants, category one and two*
 - h) *Retail Sales of Goods and Services*
 - i) *Office*
 - j) *Residential and short-term accommodations*
 - k) *Public and Private Open Space, Parks and Recreation*
 - l) *Public Utilities*
 - m) *Animal Shelters operated by a public or not-for-profit entity*
 - n) *Hotels*
 - o) *Mixed-use of the above*
 - p) *Accessory Uses customarily associated with and subordinate and incidental to the principal use and which may or may not be within the same building. Accessory uses shall include, but not be limited to: parking; meeting rooms; conference and banquet facilities; health and fitness facilities; dormitories; and residential apartment facilities for resident or visiting teachers, scholars, students, scientists, staff, etc.*

B. Regulations and Controls on Land Use - **NO CHANGE**

1. Urban Design Requirements

a. through e. - **NO CHANGE**

f. All buildings, except for permitted industrial buildings and buildings within the Science and Technology District, shall have a base which shall be designed according to the following: **[NO FURTHER CHANGES TO THIS SECTION]**

g. through k. - NO CHANGE

1. Buildings within the Science and Technology District are encouraged to include creative and innovative architectural and structural components in the design of buildings and structures within this district. As such, the Planning Board may grant deviations and waivers to the Urban Design Requirements found in this section for buildings constructed within the Science and Technology District to accomplish this intent.

2. Circulation and Open Space Requirements -

G. A progressive and innovative circulation study shall be submitted along with any Site Plan application within the Science and Technology District. The study must incorporate the Urban Street Design Guidelines as developed by the National Association of City Transportation Officials, as well as the Complete Streets concepts and techniques, as developed by the State of New Jersey. Any site plan for the district shall address the needs identified in the study for proposed street widths, travel lanes, access drives, bike lanes and facilities, sidewalk widths, on-street parking where applicable, as well as existing and proposed gateways to mass transportation and surrounding Jersey City neighborhoods. Final design and phasing of the circulation plan for the district shall be determined by the Jersey City Planning Board. [NO FURTHER CHANGES TO THIS SECTION]

3. Off-Street Parking and Loading Requirements

a. through c. - NO CHANGE

d. Structured Parking, in garages or principal Buildings:
• This Section shall not apply in the Science and Technology District (See Section III.C.ee)

e. through dd. - NO CHANGE

ee. Science and Technology District Provisions:

- A parking study shall be provided as part of any Site Plan application within the Science and Technology District.
- The parking study shall evaluate the parking requirements within the District in a comprehensive manner considering existing uses and the phasing of proposed uses.

- *The parking study shall provide analysis of innovative techniques to help minimize the parking requirements for each proposed use and optimize the proposed parking facilities. Shared parking is encouraged.*
- *Structured parking facilities within the District shall be adequately screened from all street frontages and neighboring uses.*
- *The facade of parking structures shall be of a compatible material to that used throughout the development. Vegetated “green” screening systems are allowed.*
- *Uses within the Science and Technology District may also provide exterior at grade parking on Block 21504, Lots 4 and 5.*

4. Landscape Design Requirements - **NO CHANGE**

5. Deviation Requests - **NO CHANGE**

6. Specific Requirements - **NO CHANGE**

7. Industrial District Parcels - **NO CHANGE**

C. Prohibited Uses - **NO CHANGE**

IV. SUBMISSION OF REDEVELOPER’S PROPOSALS - **NO CHANGE**

V. DISTRICT AREA, YARD AND BULK REQUIREMENTS

A. Multi-Purpose District - **NO CHANGE**

B. Industrial District - **NO CHANGE**

C. Park District - **NO CHANGE**

D. Residential Mixed-Use District - **NO CHANGE**

E. *Science and Technology District*

1. *Maximum Height: 120 feet*

2. *Minimum Lot Area: 40,000 square feet*

3. *Maximum Building Coverage: 50%*

4. *Maximum Lot Coverage: 80%*

5. Required Setbacks:

From any street line: 15 feet

From any parking lot: 10 feet

From the NJ Turnpike: 50 feet

NOTE: *Buildings may be constructed over street rights-of-way
with Municipal or State approval as appropriate.*

VI. PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIRMENTS

NO CHANGE

VII. PROCEDURE FOR CHANGES IN APPROVED PLAN - NO CHANGE

VIII. SEVERABILITY - NO CHANGE

MAPPING CHANGES:

SEE ATTACHED AMENDED MAPS

LIBERTY HARBOR REDEVELOPMENT AREA

MAP 1: BOUNDARY MAP

DECEMBER 13, 2016


1 inch = 1,200 feet

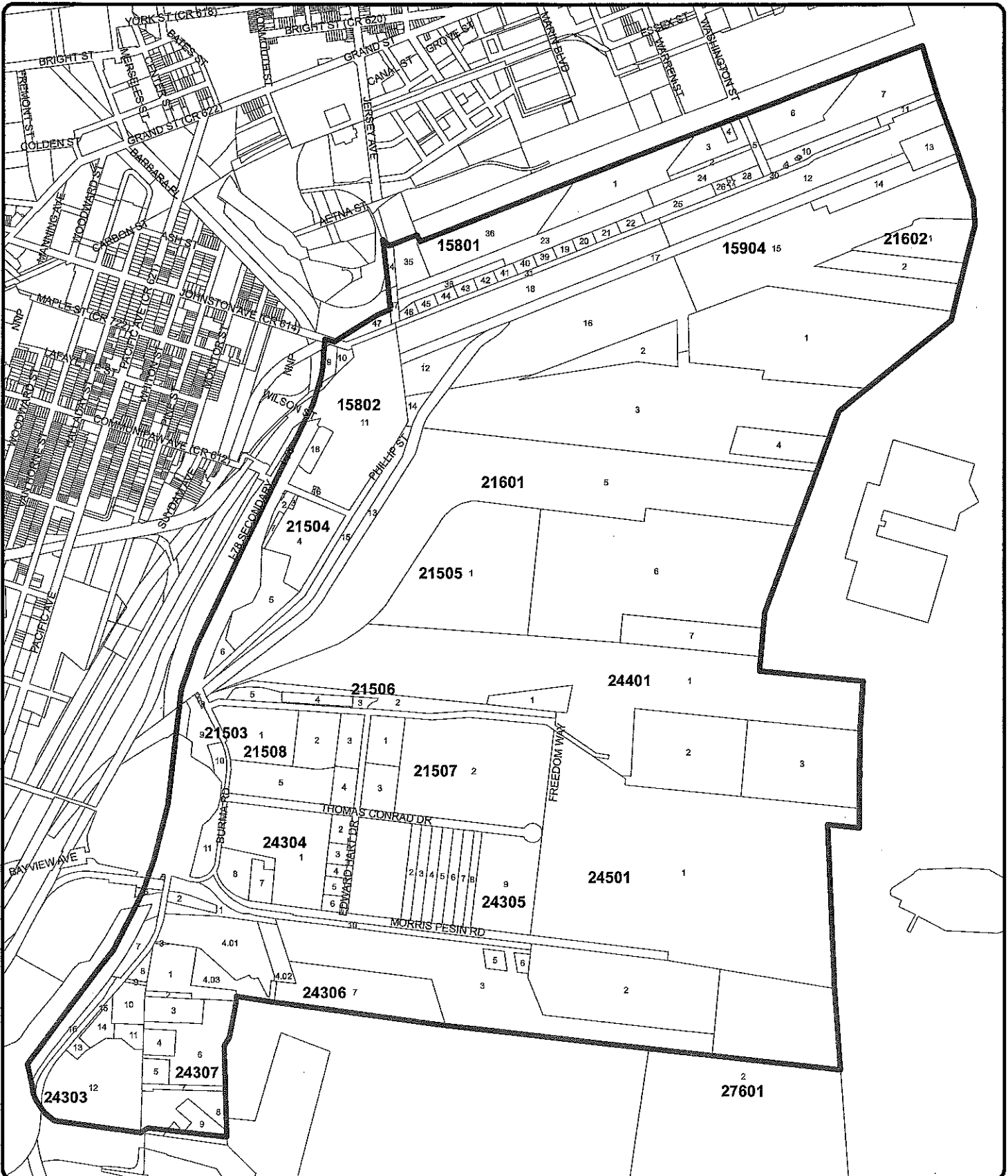
0 600 1,200 2,400 Feet



Legend

- Redevelopment Plan Boundary
- Parcels


Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323



LIBERTY HARBOR REDEVELOPMENT AREA

MAP 2: LAND USE MAP

DECEMBER 14, 2016

1 inch = 1,200 feet

0 600 1,200 2,400 Feet



Jersey City
City Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

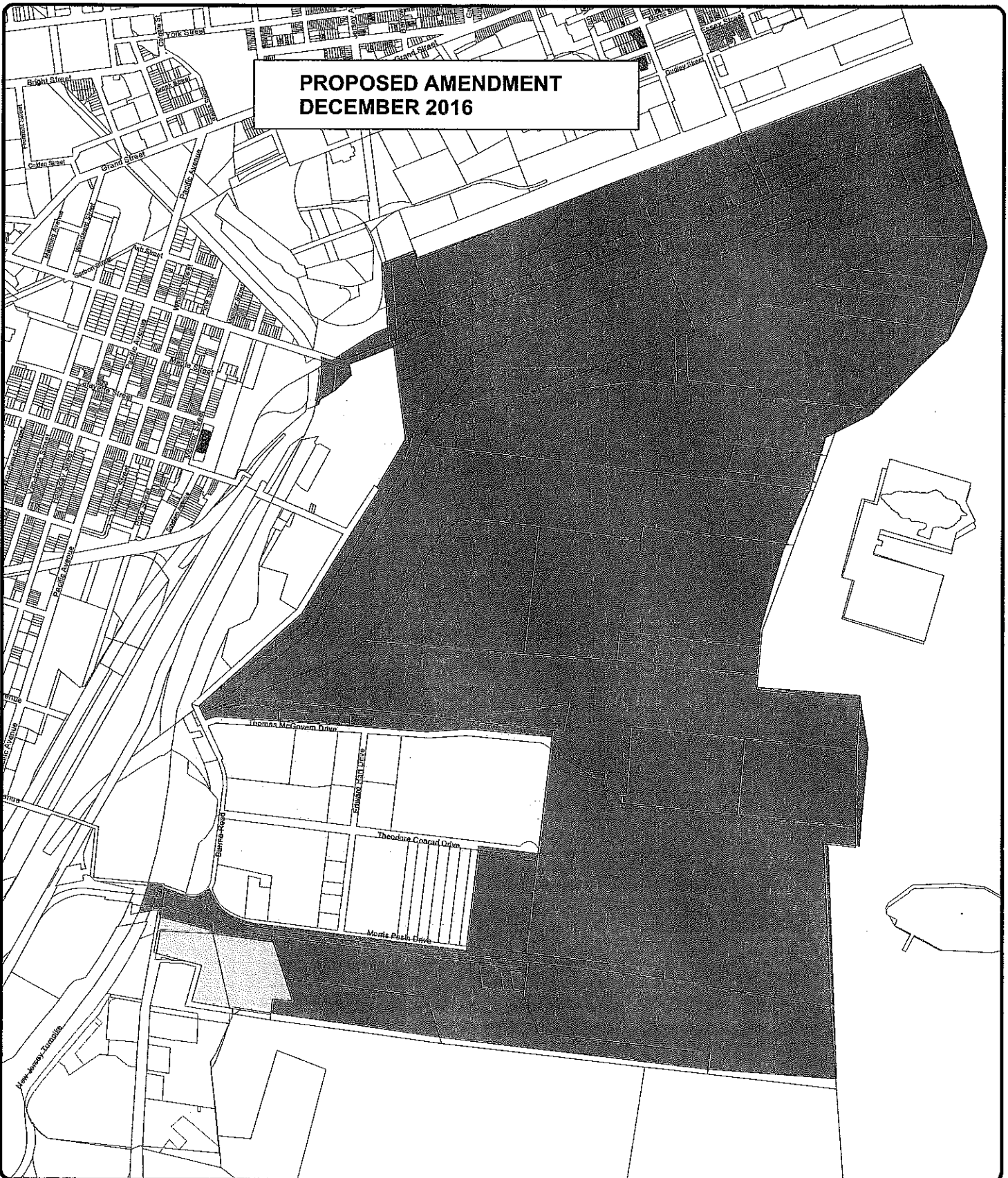
Legend

use




- Industrial District
- Science and Technology District
- Park District
- Residential Mixed Use District

PROPOSED

**PROPOSED AMENDMENT
DECEMBER 2016**



LEGEND

-  Liberty Harbor
Redevelopment Area
-  Residential Mixed-Use
District Boundary
-  Multi-Purpose Districts

Map to be deleted from plan.

**Liberty Harbor
Redevelopment Area**

Ellis Island

Liberty Island

NJ TURNPIKE

THOMAS MCGOVERN DR

THEODORE CONRAD DR

MORRIS PESIN DR

Block 1497
Lot 11a

Block 1497
Lot 34

Block 1497
Lot 33

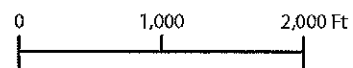
Block 1497
Lot 35

NEW YORK BAY

August 2010

MAP NO. 5

**LIBERTY HARBOR
REDEVELOPMENT AREA**
Residential Mixed-Use Key Map



Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. _____ Ord. 17-002
TITLE: 3.B JAN 11 2017 4.B **JAN 2 5 2017**

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments to The Liberty Harbor Redevelopment
Plan for the creation of The Science and Technology District.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 1 1 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 2 5 2017 8-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALGER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 2 5 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JAN 1 1 2017

Adopted on first reading of the Council of Jersey City, N.J. on _____

JAN 2 5 2017

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **JAN 2 5 2017**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

JAN 2 5 2017

APPROVED:

Steven M. Fulop, Mayor

Date

JAN 3 0 2017

Date to Mayor

JAN 2 6 2017

City Clerk File No. Ord. 17-003

Agenda No. 3.C 1st Reading

Agenda No. 4.C 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-003

TITLE:

ORDINANCE AUTHORIZING THE SETTLEMENT AGREEMENT RESOLVING THE FEDERAL AND STATE LITIGATION CONCERNING BLOCK 11612, LOT 2, MORE COMMONLY KNOWN AS 311 WASHINGTON STREET UNITS 2A, 2B, 2C, 2D, 2E, 2F & 2G AND CONVEYING CONDOMINIUM UNITS 2E & 2F TO WASHINGTON COMMONS IN EXCHANGE FOR REPAIRS AND RENOVATIONS TO ALL SEVEN UNITS

COUNCIL offered and moved adoption of the following Ordinance:

WHEREAS, the Courts concluded that the City of Jersey City ["City"] is the rightful owner of seven condominium units located within Block 11612, Lot 2, more commonly known as 311 Washington Street, Units 2A, 2B, 2C, 2D, 2E, 2F, and 2G ["Property"]; and

WHEREAS, the Property sustained extensive damage prior to the City acquiring possession of the Property, which became the subject of a lawsuit filed by the City in the Hudson County Superior Court, Law Division bearing Docket No.: HUD-L-4044015 [State Court Action], against Washington Commons, LLC [Developer], The Washington Commons at Jersey City Condominium Association, Inc. [Association], Jack Ching Kung Kao and Hsun Hsun; and

WHEREAS, the Developer, Neil Sorrentino, Serifino Tomasetti, Maria Tomasetti and Joseph Sorrentino [Federal Court Plaintiffs] filed a complaint in United States District Court bearing Case No.: 2:16-cv-1458-WJM-MF [Federal Court Action] against the City, Mariano Vega and Jeremy Farrell, Esq. demanding the conveyance of title to the Federal Court Plaintiffs, \$10,000,000 (ten million dollars), attorneys fees and costs of suit; and

WHEREAS, all parties to the Federal Court Action and the State Court Action, with the exception of Jack Cing Kung Kao and Hsun Hsun, have agreed to amicably settle both lawsuits pursuant to the terms set forth in the Settlement Agreement; and

WHEREAS, the Federal Court Plaintiffs have agreed to make all necessary repairs to the Property in exchange for title to Units 2E and 2F; and

WHEREAS, the City will convey title to Unit 2E in good faith that the Federal Court Plaintiffs will complete the renovations to the Property; and

WHEREAS, the City will convey title to the second unit after the Federal Court Plaintiffs have completed the renovations of the Property to the City's satisfaction; and

ORDINANCE AUTHORIZING THE SETTLEMENT AGREEMENT RESOLVING THE FEDERAL AND STATE LITIGATION CONCERNING BLOCK 11612, LOT 2, MORE COMMONLY KNOWN AS 311 WASHINGTON STREET UNITS 2A, 2B, 2C, 2D, 2E, 2F & 2G AND CONVEYING CONDOMINIUM UNITS 2E & 2F TO WASHINGTON COMMONS IN EXCHANGE FOR REPAIRS AND RENOVATIONS TO ALL SEVEN UNITS

WHEREAS, the City is authorized to transfer title of Units 2E and 2F to the Federal Court Plaintiffs in exchange for consideration pursuant to N.J.S.A. 40A:12-13;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The conveyance of Units 2E and 2F located at Block 1161, Lot 2 on Jersey City's Official Tax Assessment Map, more commonly known as 311 Washington Street, by the City of Jersey City to the Federal Court Plaintiffs is hereby approved, subject to the following:
 1. Upon execution of the Settlement Agreement:
 - a. The City of Jersey City shall make an initial, good faith conveyance of title in fee simple of Unit 2E to the Federal Court Plaintiffs;
 - b. The City shall execute and file a Stipulation of Dismissal *Without Prejudice* with respect to its claims against Developer and the Association in the State Court Action;
 - c. The City shall execute and deliver an assignment to Developer of the City's claims in the State Court Action against Jack Ching Kung Kao and Hsun Hsun;
 - d. The Federal Court Plaintiffs shall execute and file a Stipulation of Dismissal *Without Prejudice* with respect to the Federal Court Action;
 - e. The Federal Court Plaintiffs shall execute all documents (including deeds) and take all necessary actions to transfer title to Units 2A, 2B, 2C, 2D, 2F and 2G to the City; and
 - f. The Federal Court Plaintiffs shall complete all necessary repairs and renovations to the Property to the City's satisfaction within 180 days of transfer of title to Unit 2E
 2. Upon Federal Court Plaintiffs' completion of all necessary repairs and renovations to the Property as outlined in the Settlement Agreement:
 - a. The City shall transfer title to Unit 2F to the Federal Court Plaintiffs in fee simple;
 - b. The City shall execute and file a Stipulation of Dismissal *With Prejudice* with respect to its claims against Developer and the Association in the State Court Action; and
 - c. The Federal Court Plaintiffs shall execute and file a Stipulation of Dismissal *With Prejudice* with respect to the Federal Court Action

**ORDINANCE AUTHORIZING THE SETTLEMENT AGREEMENT RESOLVING THE
FEDERAL AND STATE LITIGATION CONCERNING BLOCK 11612, LOT 2, MORE
COMMONLY KNOWN AS 311 WASHINGTON STREET UNITS 2A, 2B, 2C, 2D, 2E, 2F
& 2G AND CONVEYING CONDOMINIUM UNITS 2E & 2F TO WASHINGTON
COMMONS IN EXCHANGE FOR REPAIRS AND RENOVATIONS TO ALL SEVEN
UNITS**

- B. The Mayor or Business Administrator is directed to execute the Settlement Agreement with Jeremy Farrell, Esq; Washington Commons, LLC; The Washington Commons at Jersey City Condominium Association, Inc.; Neil Sorrentino; Serifino Tomasetti; Maria Tomasetti; and Joseph Sorrentino and any other documents, including deeds deemed legally necessary or appropriate by the Corporation Counsel to effectuate the transfer Units 2E and 2F in accordance with the terms of the Settlement Agreement.
- C. The Settlement Agreement shall be in substantially the form attached hereto, subject to such modifications as the Corporation Counsel deems appropriate or necessary.
- D. All Ordinances and parts of Ordinances inconsistent herewith, are hereby repealed.
- E. This Ordinance shall take effect at the time and in the manner as provided by law.

CR/mw
12/9/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE SETTLEMENT AGREEMENT RESOLVING THE FEDERAL AND STATE LITIGATION CONCERNING BLOCK 11612, LOT 2, MORE COMMONLY KNOWN AS 311 WASHINGTON STREET UNITS 2A, 2B, 2C, 2D, 2E, 2F & 2G AND CONVEYING CONDOMINIUM UNITS 2E & 2F TO WASHINGTON COMMONS IN EXCHANGE FOR REPAIRS AND RENOVATIONS TO ALL SEVEN UNITS

Initiator

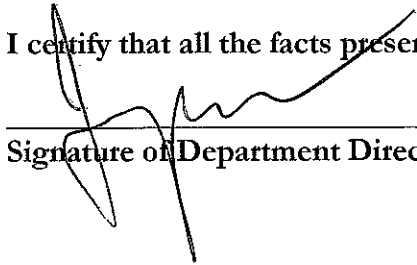
Department/Division	LAW	LAW
Name/Title	JEREMY FARRELL	CORPORATION COUNSEL
Phone/email	201-547-4667	JFARRELL@JCNJ.ORG

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This ordinance authorizes the transfer of two condominium units to Washington Commons to resolve the pending federal and state litigation involving the seven condominium units owned by the City of Jersey City at 311 Washington Street.

I certify that all the facts presented herein are accurate.



Signature of Department Director

Date

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") is made as of the ____ day of January, 2017, between and among the following parties: the City of Jersey City ("Jersey City"); Jeremy Farrell, Esq. ("Farrell"); Washington Commons, LLC; Neil Sorrentino; Serafino Tomasetti; Maria Tomassetti; Joseph Sorrentino; and The Washington Commons at Jersey City Condominium Association, Inc. (hereinafter collectively referred to as "the Parties" and individually referred to as "Party").

RECITALS

WHEREAS, this Agreement encompasses the settlement of claims in two pending lawsuits.

WHEREAS, the first lawsuit is the matter of City of Jersey City v. Washington Commons, LLC, et al., Docket No. HUD-L-4044-15, now pending in the Superior Court of New Jersey, Hudson County, Law Division, in which Jersey City seeks recovery against Washington Commons, LLC, The Washington Commons at Jersey City Condominium Association, Inc., Jack Ching Kung Kao, and Hsun Hsun a/k/a Hsin Hsin Kao for defects, deficiencies and/or damages to seven condominium units located at 311 Washington Street, Jersey City, New Jersey, which are commonly known as Units 2A, 2B, 2C, 2D, 2E, 2F, and 2G and more formally known as Units COO2A, COO2B, COO2C, COO2D, COO2E, COO2F, and COO2G of Block 11612, Lot 2 on the Tax Map for the City of Jersey City (the "Seven Units"). This matter shall be referred to as the "State Court Action." Washington Commons, LLC, The Washington Commons at Jersey City Condominium Association, Inc., Jack Ching Kung Kao, and Hsun Hsun a/k/a Hsin Hsin Kao may be collectively referred to as the "State Court Defendants." Jack Ching Kung Kao and Hsun Hsun a/k/a Hsin Hsin may be collectively referred to as the "Kao Defendants."

WHEREAS, the second lawsuit is the matter of Washington Commons, LLC, et al. v. The City of Jersey City, et al., Case No. 2:16-cv-1458-WJM-MF, now pending in the United States District Court for the District of New Jersey, Newark Vicinage, in which Washington Commons, LLC, and its principals/members, Neil Sorrentino, Serafino Tomasetti, Maria Tomassetti, and Joseph Sorrentino assert a variety of claims related to the Seven Units against Jersey City and Farrell, individually. This matter shall be referred to as the "Federal Court Action," and Washington Commons, LLC and its aforementioned principals/members may be collectively referred to as the "Federal Court Plaintiffs."

WHEREAS, the Parties generally deny all allegations asserted against them in the State Court Action and the Federal Court Action; and

WHEREAS, the Parties, by this Agreement, wish to settle and dispose of all claims that were asserted or could have been asserted in the State Court Action and the Federal Court Action, including, but not limited to, any and all claims by the Federal Court Plaintiffs that they have any right, title, interest, or claim with respect to any of the Seven Units, except as otherwise expressly set forth in this Agreement and with the exception of Jersey City's claims against the Kao Defendants in the State Court Action, which Jersey City shall assign to Washington

Commons, LLC.

WITNESSETH

NOW THEREFORE, for and in consideration of the mutual promises and agreements set forth herein, and for good and valuable consideration, the receipt of and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. Promises. This settlement represents an agreement between Jersey City and the Federal Court Plaintiffs, pursuant to which Jersey City will transfer title to two of the Seven Units (Units 2E and 2F) contingent upon the Federal Court Plaintiffs' completion of certain work to all Seven Units. Specifically, the Federal Court Plaintiffs shall perform all work necessary to render each and all of the Seven Units free from defect or deficiency and otherwise ready for sale on the open market and shall include, but not be limited to, all defects and deficiencies that are the subject matter of the State Court Action and reflected in the repair estimates and/or invoices attached hereto as Exhibit A (the "Work"). Because the Federal Court Plaintiffs have represented that they need access to the sale proceeds of one of the Units in order to fund and complete the Work, the settlement set forth herein between and among the Parties shall be effectuated in accordance with the following steps and subject to the following conditions:

(a) Upon execution of this Agreement:

- (1) Jersey City shall transfer to the Federal Court Plaintiffs title in fee simple to Unit 2E (the "Transfer of Unit 2E") and the Federal Court Plaintiffs shall as soon as practicable thereafter sell such Unit 2E on the open market. The proceeds from such sale of Unit 2E (the "Unit 2E Proceeds") shall be directed to and held in escrow (the "Escrow") in the attorney trust account of the Federal Court Plaintiffs' counsel, Nicholas Buttafuoco, Esq., ("Escrowee") pending completion of the Work. The Unit 2E Proceeds may only be released to the Federal Court Plaintiffs to pay costs necessary to complete the Work. No less than five (5) business days prior to the release of portion of the Unit 2E Proceeds, the Federal Court Plaintiffs shall provide to Jersey City in writing a full accounting of the costs of the Work and copies of all documents substantiating them (the "Release Procedure"). The release of any portion of the Unit 2E Proceeds for any reason other than costs associated with the Work and/or the release of the Unit 2E Proceeds without following and abiding the Release Procedure shall be a material breach of this Agreement and entitle Jersey City to exercise its rights under Paragraph 1(d) hereof.

The Work shall be subject to the following terms and conditions:

- a. Any party performing the Work in connection with the Seven Units, including the Work (as defined above), must complete and comply with the "Contractor Form" and "Delivery Form," copies of which are attached hereto as Exhibit B.

- b. The Work may be performed only Monday through Friday during the hours of 8:00 a.m. and 5:00 p.m. The Work may not be performed on weekends or legal holidays. Any party performing the Work shall comply with the Association's recorded governing documents, including, but not limited to, the Association's Master Deed, By-Laws and Rules & Regulations.
- c. All contractors engaged to perform the Work must be licensed and insured. The insurance certificates must reflect a minimum of \$1,000,000 in general liability and auto coverage and a minimum of \$500,000 in workers compensation coverage. All certificates of insurance must list The Washington Commons at Jersey City Condominium Association, Inc. and Associa-Community Management as "additional insureds."
- d. Prior to commencing the Work, the Federal Court Plaintiffs shall pay to The Washington Commons at Jersey City Condominium Association, Inc. a security deposit of \$500 per each of the Seven Units, or a total of \$3,500.00, to cover any damage to the common areas during the course of the Work (the "Security Deposit"). Upon the completion of the Work, the security deposit shall be returned to the Federal Court Plaintiffs, subject to any set off for damage to the common areas.
- e. The Security Deposit does not constitute a cap on any damages to the common areas during the course of the Work. The Federal Court Plaintiffs shall be responsible to the Association for all damages to the common areas resulting from performance of the Work.
- f. The Federal Court Plaintiffs shall not be permitted to reconfigure any of the units to which it will acquire title under the terms of this Agreement. Any and all rights accorded to the Association and its Governing Board under the express terms of the New Jersey Condominium Act, the Association's Master Deed and its By-Laws are hereby expressly reserved.
- g. The Federal Court Plaintiffs will be treated as any other unit owner when performing work to the units which Washington Commons, LLC owns. With respect to the Work performed by the Federal Court Plaintiffs to units owned by Jersey City, the Federal Court Plaintiffs will be treated as any other Contractor.

- (2) Jersey City shall execute and file a Stipulation of Dismissal *Without Prejudice* with respect to its claims against the Washington Commons, LLC and The Washington Commons Condominium Association, Inc. in the State Court Action; Jersey City shall execute and deliver an assignment to Washington Commons, LLC of its claims in the State Court Action against Jack Ching Kung Kao and Hsun Hsun a/k/a Hsin Hsin; and the Federal Court Plaintiffs shall execute and file a Stipulation of Dismissal *Without Prejudice* with respect to the Federal Court Action. The Federal Court Plaintiffs shall defend, indemnify, and hold Jersey City harmless with respect to any claims arising from or related to their pursuit of the State Court Action as assignees of Jersey City.
- (3) The Federal Court Plaintiffs shall execute all documents (including deeds) and take all actions necessary to effectuate the transfer of title to the Seven Units (other than Unit 2E) to Jersey City in accordance with the state court judgment awarding title to the Seven Units in fee simple to Jersey City.
- (b) The Federal Court Plaintiffs shall complete the Work to the reasonable satisfaction of Jersey City within 180 days after the Transfer of Unit 2E.
- (c) Unless and until the Work is completed to the reasonable satisfaction of Jersey City, Jersey City shall hold a first priority lien against (i) Unit 2E until it is sold and, upon Unit 2E's sale, (ii) the proceeds held in escrow. Jersey City shall file and/or record any documents that it deems necessary to protect its interests in this regard ("Lien Filing") and the Federal Court Plaintiffs shall cooperate with and assist Jersey City with such Lien Filing.
- (d) If the Work is not completed to the reasonable satisfaction of Jersey City within the 180-day period commencing with the Transfer of Unit 2E, Jersey City shall have the continuing option of (i) extending the period of time for completion, (ii) completing the Work itself or through contractors of its own choosing, (iii) compelling the return of title to Unit 2E to Jersey City if Unit 2E has not been sold or (iv) compelling Escrowee to pay immediately to Jersey City all the Unit 2E Proceeds held in the Escrow. The foregoing options (i), (ii), (iii) and (iv) shall not be mutually exclusive and Jersey City may avail itself any one or more of such options at the same time.

In the event that Jersey City exercises option (d) (ii), the Federal Court Plaintiffs shall reimburse Jersey City for all costs associated therewith.

In the event that Jersey City exercises options (iii) or (iv): [1] the release set forth in Paragraph 2(c) shall take full force and effect; [2] the Federal Court Plaintiffs shall execute and file a Stipulation of Dismissal *With Prejudice* with respect to the Federal Court Action; and [3] all claims or rights of the Federal Court Plaintiffs to Units 2E and 2F pursuant to this Agreement shall be forever waived and extinguished.

(e) Upon completion of the Work as set forth in Paragraph 1 (b) hereof:

- (1) Jersey City shall transfer to Washington Commons, LLC title in fee simple to Unit 2F. Washington Commons, LLC shall be solely responsible for the preparation and recording of all documents necessary to effectuate this transfer, as well as all costs associated therewith.
- (2) Jersey City shall execute and file a Stipulation of Dismissal *With Prejudice* with respect to its claims against Washington Commons, LLC and The Washington Commons Condominium Association, Inc.
- (3) The Federal Court Plaintiffs shall execute and file a Stipulation of Dismissal *With Prejudice* with respect to the Federal Court Action.
- (4) The releases set forth in Paragraph 2 hereof shall take full force and effect.

2. Releases. Upon satisfaction of the conditions set forth in Paragraph 1, the following releases shall take full force and effect:

(a) Jersey City, and any and all of its respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, release and forever discharge the State Court Defendants, and any and all of their respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, from any and all claims, demands, causes of action, including those in contract or in tort, contracts, fraud, promises, and obligations of any character whatsoever, whether known or not known, which were or could have been asserted from the beginning of time and through the date the conditions in Paragraph 1 are satisfied, against the State Court Defendants, including, but not limited to, all claims arising from the matters set forth in the State Court Action.

(b) The State Court Defendants and any and all of their respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, release and forever discharge Jersey City and any and all of its respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, from any and all claims, demands, causes of action, including those in contract or in tort, contracts, fraud, promises, and obligations of any character whatsoever, whether known or not known, which were or could have been asserted from the beginning of time and through the date that the conditions in Paragraph 1 are satisfied, against Jersey City, including, but not limited to, all claims arising from the matters set forth in the State Court Action.

(c) The Federal Court Plaintiffs and any and all of their respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, releases and forever discharges Jersey City and Farrell, and any and all of their respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, from any and all claims, demands, causes of action, including those in contract or in tort, contracts, fraud, promises, and obligations of any character whatsoever, whether known or not known, which were or could have been asserted from the beginning of time and through the date that the conditions in Paragraph 1 are satisfied, against Jersey City and Farrell, including, but not limited to, all claims arising from the matters set forth in the Federal Court Action.

(d) Jersey City and Farrell, and any and all of their respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, releases and forever discharges the Federal Court Plaintiffs, and any and all of their respective past and present partners, directors, officers, shareholders, executives, administrators, parent companies, subsidiaries, divisions, employees, servants, insurers, representatives, affiliates, agents, assigns, attorneys, heirs, predecessors and successors-in-interest, from any and all claims, demands, causes of action, including those in contract or in tort, contracts, fraud, promises, and obligations of any character whatsoever, whether known or not known, which were or could have been asserted from the beginning of time and through the date that the conditions in Paragraph 1 are satisfied, against the Federal Court Plaintiffs, including, but not limited to, all claims arising from the matters set forth in the Federal Court Action.

3. No Other Promises. The Parties understand and agree that they are not receiving any compensation or other consideration of any kind from any other Party, or any of its agents or attorneys, except for the promises expressly set forth in this Agreement.

4. Voluntary Agreement. Each Party agrees that they are entering into this Agreement voluntarily, and of their own free will, and that they have not in any way been coerced or intimidated into making this Agreement. Each Party further acknowledges and agrees that they have consulted with an attorney of their choice before signing this Agreement.

5. Non-Disparagement/ No Assistance to Third Parties. The Parties agree they shall not make any disparaging statements (whether oral, written, electronic, anonymous, on the Internet, or otherwise) about the other Party to any other person or entity. For purposes of this paragraph, "disparage" shall mean any statements or actions, made either directly or through a third party by one Party, that communicates adverse information about the other Party and would lessen the standing or stature of the other Party in the eyes of an ordinary person or communicate

that the other Party may have engaged in any form of misconduct. Statements communicating that the litigation was settled shall not constitute disparagement.

In response to inquiries or requests about this Settlement Agreement the Parties agree to limit their statements to third-parties to the following: The Parties resolved the litigation under a settlement without any party admitting wrongdoing. The parties agreed to keep the terms of the Settlement Agreement confidential, and not to make disparaging remarks about each other.

Each of the Parties agrees that it/he/she will not encourage, solicit, assist or participate in any way, either directly or indirectly, with respect to a claim or potential claim, proceeding or litigation which is or could be investigated or asserted by a third party against any other party hereto that relates to any events that occurred before the Effective Date.

6. Benefit of the Parties Only. Except as otherwise stated in this Settlement Agreement, this Agreement is intended to be for the benefit of the Parties only and, by this instrument, the Parties do not release any liability against any other person or entity. The Parties to this Agreement expressly acknowledge that this Agreement is not, nor is it intended, to be relied upon by third parties and that it carries with it no precedential value and cannot be relied upon by any person or entity as evidence of any obligation by any party other than the obligations contained in this Agreement.

7. Amendments. Any provision of this Agreement may be amended or waived if, but only if, such amendment or waiver is in writing and is signed, in the case of an amendment, by all parties to this Agreement, or in the case of a waiver, by the party against whom the waiver is to be effective. No action or inaction taken or omitted pursuant to this Agreement will be deemed to constitute a waiver of compliance with any representations, warranties or covenants contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature.

8. Effective Date. The "Effective Date" of this Agreement shall be the date of signature of the last signatory to this Agreement. Facsimiles of signatures shall constitute acceptable binding signatures for purposes of this Agreement.

9. Complete Agreement. This Agreement constitutes the complete agreement between the Parties with respect to this matter and shall not be amended except by written consent of the Parties. This Agreement supersedes and replaces any and all prior Agreements, negotiations and discussions, proposed or otherwise, whether written or oral, concerning the subjects addressed herein.

10. All Parties Drafted the Agreement. The Parties acknowledge and agree that each has participated in the drafting and review of this Agreement, and that this Agreement shall be interpreted as if drafted by all parties without regard to the drafter. The Parties further acknowledge and agree that the waivers and releases each has made herein are knowing, conscious, and with full appreciation that they are forever foreclosed from pursuing any of the rights so waived or released.

11. **Severability.** If any provision of this Agreement, or the application of any such provision to any person or circumstance, is held invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, such invalidity, illegality, or unenforceability will not affect any other provision hereof. This Agreement shall be governed by the laws of the state of New Jersey. A substitute and equitable provision shall be substituted therefore in order to carry out, so far as may be valid and enforceable in such jurisdiction, the intent and purpose of the illegal, invalid or unenforceable provision.

12. **No Admission of Liability.** The Parties agree that neither the execution of this Agreement nor the provision of any consideration pursuant hereto is intended as, or shall be construed as, an admission of any liability or responsibility at any time or for any purpose whatsoever.

13. This Agreement cannot be modified or altered except in writing signed by the Parties hereto.

14. The Parties to this Agreement who sign on behalf of another hereby warrant that they have the authority to sign on behalf of said person or entity. Each of the Parties agrees to execute all documents and to do all things necessary to effectuate the terms of this Agreement.

15. The validity and construction of this Agreement shall be governed by the laws of the State of New Jersey without regard to its conflict of law principles.

16. In the event of a breach of this Agreement, the non-breaching party shall be entitled to all reasonable counsel fees and costs incurred in connection with any enforcement action.

17. The parties hereby execute this Agreement in counterparts, each of which shall constitute an original. A facsimile or portable document format (PDF) signature shall constitute an original signature.

IN WITNESS WHEREOF, this Agreement is executed this ____ day of January 2017, by and between the City of Jersey City, Jeremy Farrell, Esq., Washington Commons, LLC, Neil Sorrentino, Serafino Tomassetti, Maria Tomassetti, Joseph Sorrentino, and The Washington Commons at Jersey City Condominium Association, Inc.

Witness:

The City of Jersey City

Dated:

By: _____

Dated:

Witness:

Jeremy Farrell, Esq.

Dated:

By:

Jeremy Farrell, Esq., Individually

Dated:

Witness:

Washington Commons, LLC

Dated:

By:

Dated:

Witness:

The Washington Street Commons at Jersey
City Condominium Association, Inc.

Dated:

By:

Dated:

Witness:

Neil Sorrentino

Dated:

By:

Neil Sorrentino, Individually

Dated:

Witness:

Serafino Tomassetti

Dated:

By:

Serafino Tomassetti

Dated:

Witness:

Maria Tomassetti

Dated:

By:

Maria Tomassetti, Individually

Dated:

Witness:

Joseph Sorrentino

Dated:

By:

Joseph Sorrentino, Individually

Dated:

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-003
TITLE: 3.C JAN 11 2017 4.C **JAN 2 5 2017**

Ordinance authorizing the settlement agreement resolving the Federal and State litigation concerning Block 11612, Lot 2, more commonly known as 311 Washington Street Units 2A, 2B, 2C, 2D, 2E, 2F & 2G and conveying condominium units 2E & 2F to Washington Commons in exchange for repairs and renovations to all seven units.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 1 1 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 2 5 2017 8-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

MIKE KULOWSKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 2 5 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JAN 1 1 2017

Adopted on first reading of the Council of Jersey City, N.J. on _____

JAN 2 5 2017

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JAN 2 5 2017**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **JAN 2 5 2017**

APPROVED:

Steven M. Fulop, Mayor

Date **JAN 3 0 2017**

Date to Mayor **JAN 2 6 2017**

City Clerk File No. Ord. 17-004

Agenda No. 3.D 1st Reading

Agenda No. 4.D 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-004

TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEES & CHARGES) SECTION I (FEE SCHEDULE ESTABLISHED) OF THE JERSEY CITY MUNICIPAL CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 160 (Fees & Charges) Section I (Fee Schedule Established) are hereby adopted:

**FEES & CHARGES
SECTION I
Fee Schedule Established**

§160-1. - Fee schedule established.

Fees shall be as follows:

- A. Chapter 3, Administration of Government, Office of the City Clerk.

(1) Through (6) No change.

(7) Fees for the Department of Public Works.

- (a) Rental of Containers in three (3) sizes: 10 cubic yard (cy), 20 cubic yards, and 30 cubic yards.

[1] 10cy: \$435 includes 2 tons maximum of solid waste/rubbish.

[2] 20cy: \$530 includes 3 tons maximum of solid waste/rubbish.

[3] 30cy: \$650 includes 5 tons maximum of solid waste/rubbish.

[4] Containers are rented for a period of three (3) days and include one (1) pick-up and disposal fee. If the container is filled in less time and needs to be returned, a payment is required for a second container and related disposal fee.

[5] Additional fees:

- a. an additional coverage fee of \$115 per ton will be assessed for containers exceeding the maximum tonnage;

- b. an additional fee of approximately 1/3 of the cost of the container will be assessed for each day a container is kept over the allotted three (3) days: \$145 for a 10cy container; \$180 for a 20cy container; and \$220 for a 30cy container.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEES & CHARGES) SECTION 1 (FEE SCHEDULE ESTABLISHED) OF THE JERSEY CITY MUNICIPAL CODE

[7] A fee of \$32 will be assessed if a check bounces or a credit card is declined when processing payment of overage fees. This fee will also be assessed on all charge-backs.

[8] Non-Profit Organizations are eligible to receive roll-off container service at no charge (contingent upon adequate funding being available in the City budget). The non-profit organizations are block associations and civic associations. The container will be used only for community participation and not personal use. The container will be used only for general clean-up of the event. The container is not to be used for improvements or rehabilitation, or properties and buildings. Any construction and demolition waste found in the container will result in the organization being charged for the disposal rate of \$115 per ton and a haulage fee of \$225. Qualified organizations are eligible to receive one (1) container per year.

(b) Rental of Equipment. All organizations are prohibited from using equipment rented from the Department of Public Works to promote and/or advertise political campaigns or candidates being endorsed or elected by voters. The sole purpose of the usage of such equipment is to promote and/or advertise ethnic, cultural and other neighborhood festivities/parades by all organizations on a 'first come first serve' basis throughout Jersey City. A minimum rental time of four (4) hours is required and will only be issued pending availability. The equipment rental fees are:

- [1] Dumpster: \$300;
- [2] Litter Patrol – 4 hours: \$60;
- [3] Litter Patrol – 8 hours: \$120;
- [4] Mechanical Street Sweeper – Monday through Friday: \$110;
- [5] Mechanical Street Sweeper – Saturday: \$165;
- [6] Mechanical Street Sweeper – Sunday: \$220;
- [7] 25cy Garbage Packer Truck – Monday through Friday: \$110;
- [8] 25cy Garbage Packer Truck – Saturday: \$165;
- [9] 25cy Garbage Packer Truck – Sunday: \$220.

(c) Rental of Floats and Bleachers. The Floats and Bleachers are to be driven only by a City of Jersey City employee with a Commercial Driver's License (CDL) endorsement. A minimum rental time of four (4) hours is required and will only be issued pending availability. The hourly rate shall commence one (1) hour prior to the event and conclude one (1) hour after the event to allow for set-up and break-down. The rental fees are:

- [1] Driver: \$50 per hour;
- [2] Small Float – Monday through Friday: \$200;
- [3] Small Float – Saturday: \$250;
- [4] Small Float – Sunday: \$325;
- [5] Tractor Trailer Float – Monday through Friday: \$250;
- [6] Tractor Trailer Float – Saturday: \$300;
- [7] Tractor Trailer Float – Sunday: \$375;
- [8] Bleachers – Monday through Friday: \$200;
- [9] Bleachers – Saturday: \$250;
- [10] Bleachers – Sunday: \$325.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEES & CHARGES) SECTION I (FEE SCHEDULE ESTABLISHED) OF THE JERSEY CITY MUNICIPAL CODE

- (d) Rental Supplies. The rental of supplies requires a deposit covering the total amount of the supplies. The failure to return all of the supplies within ten (10) days will result in the forfeiture of the deposit or a portion thereof. Prices are subject to change as a result of State Contract pricing. The rental fees are:

- [1] Shovels: \$25 each;
- [2] Barrels: \$40 each;
- [3] Fan Rakes: \$15 each;
- [4] Metal Rakes: \$20 each;
- [5] Push Brooms: \$15 each;
- [6] Garbage Bags: \$80 per case of 200 or \$0.40 each;

(8) Through (15). No change.

A.1. Through UU. No change.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in ~~[brackets]~~ are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

10/13/16
12/28/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE FACT SHEET - CONTRACT AWARD

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEES & CHARGES) SECTION 1 (FEE SCHEDULE ESTABLISHED) OF JERSEY CITY MUNICIPAL CODE.

Project Manager

Department/Division	Public Works	Director's Office
Name/Title	Steve Miller	Confidential Assistant
Phone/email	201-547-4904	Steve.M@JCNI.ORG

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

There exists a need for a fee schedule for rental of containers, equipment, floats and bleachers in the Jersey City Municipal Code due to the elimination of the Jersey City Incinerator Authority.

Cost (Identify all sources and amounts)

None

Contract term (include all proposed renewals)**Type of award**

If "Other Exception", enter type

Additional Information

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Signature of Purchasing Director

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-004
TITLE: 3.D JAN 11 2017 4.D

JAN 25 2017

Ordinance amending and supplementing Chapter 160 (Fees & Charges) Section I (Fee Schedule Established) of the Jersey City Municipal Code. (Tractor Trailer Float, Sunday - \$375.00)

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 25 2017 8-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 25 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **JAN 11 2017**
Adopted on second and final reading after hearing on **JAN 25 2017**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JAN 25 2017**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.

Rolando R. Lavarro, Jr., Council President

Date **JAN 25 2017**

APPROVED:

Steven M. Fulop

Steven M. Fulop, Mayor

Date **JAN 30 2017**

Date to Mayor **JAN 26 2017**

City Clerk File No. Ord. 17-005

Agenda No. 3.E 1st Reading

Agenda No. 4.E 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-005

TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1 (GENERAL PROVISIONS), ARTICLE III (ENFORCEMENT; PENALTIES); CHAPTER 254 (PROPERTY MAINTENANCE), ARTICLE IV (VACANT PROPERTIES); AND CHAPTER 287 (SOLID WASTE), ARTICLE IV (RECYCLING), OF THE JERSEY CITY MUNICIPAL CODE TO 1) INCREASE THE PENALTIES FOR VIOLATIONS OF THE SOLID WASTE SECTION; 2) MODIFY THE CURRENT SECTION FOR REPEAT OFFENDERS PURSUANT TO N.J.S.A. 40:69A-29; AND 3) ESTABLISH MINIMUM PENALTIES FOR VIOLATIONS TO THE RECYCLING AND VACANT PROPERTIES ORDINANCES

COUNCIL offered and moved adoption of the following Ordinance:

- A. The following amendments to Chapter 1 (General Provisions), Article III (Enforcement; Penalties) are hereby adopted:

Chapter 1
ARTICLE III
Enforcement; Penalties

§1-22. Through §1-24.- No Change.

§1-25.- General Penalty.

- A. Notwithstanding any other section of this Code or any other ordinance, the maximum penalty for violating any provision of this Code shall be, in the discretion of the Court, a fine of up to two thousand dollars (\$2,000.00) and/or imprisonment for a period of up to ninety (90) days and/or a period of community service not exceeding ninety (90) days ~~Each day a violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. This section shall not affect any mandatory minimum penalty established by any section of the Code or ordinance.~~ provided, however, that for the violation of an ordinance pertaining to solid waste disposal the maximum penalty shall be \$10,000, and the minimum penalty shall be \$2,500; provided further, however, that for violations of Chapter 287 by owners of multiple-family residential property, the minimum penalty shall be:

1. \$250 for properties that are one (1) to four (4) units; and
2. \$500 for properties that are five (5) or more units.

- B. Each day a violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. This section shall not affect any mandatory minimum penalty established by any section of the Code or ordinance.

~~[B]C.~~ In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed to be a public nuisance and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense

- D. Pursuant to N.J.S.A. 40:69A-29, any person who is convicted of violating an ordinance within one (1) year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat

offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

- B. The following amendments to Chapter 254 (Property Maintenance), Article IV (Vacant Properties) are hereby adopted:

Chapter 254
ARTICLE IV
Vacant Properties

§254-20. Through §254-21.9.- No Change.

§254-21.10.- Purpose.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided for in Chapter 1, General Provisions, Section 1-25; provided, however, that the minimum penalty for a violation of this chapter shall be a fine of \$100.

- C. The following amendments to Chapter 287 (Solid Waste), Article IV (Recycling) are hereby adopted:

Chapter 287
ARTICLE IV
Recycling

§287-41. Through §287-48.- No Change.

§287-49. Violations and Penalties.

Any person, corporation, occupant or other entity that violated or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable as provided for in Chapter 1, General Provisions, Section 1-25 [by a fine no less than one hundred dollars (\$100.00) for the first three violations, nor more than the maximum penalty set in accordance with Section 1-25 of this Code. Each day for which a violation of this Ordinance occurs shall be considered a separate offense].

- D. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

- E. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

- F. This ordinance shall take effect on January 1, 2017 February 14, 2017.

- G. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is **boldface**
and repealed matter by *italics*.

SS/he
1/24/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE / RESOLUTION FACT SHEET

Full Title of Ordinance/Resolution

ORDINANCE AMENDING AND SUPPLEMENTING 1 (GENERAL PROVISIONS), ARTICLE III (ENFORCEMENT; PENALTIES); CHAPTER 254 (PROPERTY MAINTENANCE), ARTICLE IV (VACANT PROPERTIES); AND CHAPTER 287 (SOLID WASTE), ARTICLE IV (RECYCLING), OF THE JERSEY CITY MUNICIPAL CODE TO 1) INCREASE THE PENALTIES FOR VIOLATIONS OF THE SOLID WASTE SECTION; 2) MODIFY THE CURRENT SECTION FOR REPEAT OFFENDERS PURSUANT TO N.J.S.A. 40:69A-29; AND 3) ESTABLISH MINIMUM PENALTIES FOR VIOLATIONS TO THE RECYCLING AND VACANT PROPERTIES ORDINANCES

Initiator

Department/Division	Mayor's Office	Mayor's Office
Name/Title	Steven M. Fulop	Mayor
Phone/email	201-547-5200	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

A Quality of Life Initiative: 1) Increase the penalties for violations of the Solid Waste ordinance; 2) modify the current Ordinance for repeat offenders pursuant to N.J.S.A. 40:69a-29; and 3) establish minimum penalties for violations to the Recycling and Vacant Properties Ordinances.

The within ordinance was on the agenda for November 22, 2016, but it had to be pulled due to some revisions that needed to be made.

The Acting Director will appear to answer any questions.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-005

TITLE: 3.E JAN 11 2017 4.E JAN 25 2017

Ordinance amending and supplementing Chapter 1 (General Provisions), Article III (Enforcement; Penalties); Chapter 254 (Property Maintenance), Article IV (Vacant Properties); and Chapter 287 (Solid Waste), Article IV (Recycling), of the Jersey City Municipal Code to 1) Increase the penalties for violations of the Solid Waste Section; 2) Modify the current section for repeat offenders pursuant to N.J.S.A. 40:69A-29; and 3) Establish minimum penalties for violations to the recycling and vacant properties ordinances

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 25 2017 8-0											
Councilperson RIVERA moved, seconded by Councilperson WATTERMANN to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

KEREN WEISSMAN
JESSICA GLENZA

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 25 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JAN 11 2017

Adopted on first reading of the Council of Jersey City, N.J. on

JAN 25 2017

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 25 2017

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.

Rolando R. Lavarro, Jr., Council President

Date

JAN 25 2017

APPROVED:

Steven W. Fulop
Steven W. Fulop, Mayor

Date

JAN 30 2017

Date to Mayor

JAN 26 2017

City Clerk File No. Ord. 17-007

Agenda No. 3.6 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-007

**TITLE: AN ORDINANCE AMENDING CHAPTER 222 (NOISE) REPEALING ARTICLE I
(NOISE RESTRICTIONS) AND ADOPTING REVISIONS TO LOCAL NOISE-
CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. the following amendments to Chapter 222 (Noise) Article I (Noise Restrictions) are hereby adopted:

CHAPTER 222 NOISE

ARTICLE I NOISE RESTRICTIONS

§§222-1 through 222-5 and §222-10 are hereby repealed in their entirety.

§ 222-1. Declaration of Findings and Policy

- A. excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,
- B. a substantial body of science and technology exists by which excessive sound may be substantially abated; and,
- C. the people have a right to, and should be ensured of, an environment free from excessive sound;
- D. it is the policy of the City of Jersey City to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.
- E. This ordinance shall apply to the control of sound originating from sources within the City of Jersey City.

§ 222-2. Definitions

The following words and terms, used in this ordinance, shall have the following meanings unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C.7:29.

CONSTRUCTION - means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

dB(C) - means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards of ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than the "A" weighting network.

DEMOLITION - means any dismantling, destruction or removal of buildings, structures, or roadways.

DEPARTMENT - means the New Jersey Department of Environmental Protection.

EMERGENCY WORK - means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life threatening conditions or a state of emergency declared by a governing agency.

IMPULSIVE SOUND - means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

MINOR VIOLATION - means a (1) a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the violator; and (2) the activity or condition constituting the violation has not been the subject of an enforcement action by the City, the County, or the State against the violator within the immediately preceding 365 days for the same or substantially similar violation.

MOTOR VEHICLE - means any vehicle propelled other than by human or animal power on land.

MUFFLER - means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

MULTI-DWELLING UNIT BUILDING - means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

MULTI-USE PROPERTY - means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

(1) A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

(2) A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

NOISE CONTROL OFFICER (NCO) - means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and be currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

NOISE CONTROL INVESTIGATOR (NCI) - means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about the model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

PLAINLY AUDIBLE - means any sound that can be detected by an NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

PRIVATE RIGHT-OF-WAY - means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

PUBLIC RIGHT-OF-WAY - means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

PUBLIC SPACE - means any real property or structures thereon owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE - means either -

(a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property;

(b) the vertical and horizontal boundaries of a dwelling unit that is part of a multiple dwelling unit building; or

(c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

SOUND PRODUCTION DEVICE - means any device whose primary function is the production of sound, including, but not limited to, any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound amplifying equipment.

SOUND REDUCTION DEVICE - means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required that mitigates the sound emissions of the equipment.

WEEKDAY - means any day that is not a federal holiday, and beginning on Monday at ~~{8:00}~~ 7:00 a.m. and ending on the following Friday at 6:00 p.m.

WEEKENDS - means beginning on Friday at 6:00 p.m. and ending on the following Monday at ~~{8:00 a.m.}~~ 7:00 a.m.

§ 222-3. Applicability

A. This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private rights-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

B. This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties; and
6. Multi-dwelling unit buildings.

C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§ 222-4. Exemptions

A. Except as provided in 222-9 and 222-10 below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II and III except as provided for in 222-9 below.

§222-5. Enforcement Officers

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- C. Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.
- D. For purposes of City of Jersey City municipal enforcement, the following officers and agents of the City shall have the power and authority to enforce this chapter: construction code official(s), zoning officers, health officer(s), environmental health specialist(s), police officers and the Office of Emergency Management. These individuals must complete the Noise Enforcement Certification training from the Rutgers Noise Technical Assistance Center.
- E. No person shall refuse to allow an authorized employee of the City or other authorized City employee who presents appropriate credentials to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing except that upon a showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.

§ 222-6. Measurement Protocols

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in 222-6.B of this ordinance and with the definition of "real property line" as contained herein.
- B. When conducting indoor sound level measurements across a real property line, the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same, and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§ 222-7 . Maximum Permissible Sound Levels

- A. No person shall cause or permit the operation of any source of sound on any source property listed in 223-A above in such a manner as to create a sound level that equals or exceeds the sound level limits in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in 222-6B.

B. Impulsive Sound

Between 7:00 a.m. ~~{8:00 a.m.}~~ and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and ~~{8:00 a.m.}~~ 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

TABLE I**MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property	Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	
TIME	<u>7 a.m.</u> {8 a.m.} -10 p.m.	10 p.m.- {a.m.} <u>7 a.m.</u>	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

TABLE II**MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property	Commercial facility, or non residential portion of a multi use property, or community service facility	
TIME	[8 a.m.] 7 a.m.-10 p.m.	10 p.m.- [8 a.m.] 7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: The time period in Tables I and II is subject to any different times specified in Section 222-9.

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

TABLE III**MAXIMUM PERMISSIBLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property	Residential property, or residential portion of a multiuse property	Commercial facility, public service facility, non-residential	Commercial facility of non residential portion of a
-----------------------------	--	---	---	---

	OUTDOORS		INDOORS		portion of a multi-use property, or community service facility	multi-use property
					OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours	24 Hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	42	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§ 222-8. Sound Production Devices

No person shall cause or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in 222-6.B of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

TABLE IV

MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL PROPERTY

Week nights 10:00 p.m. - 8:00 a.m. 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3dB(C)	6 dB(C)

§ 222-9. Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and ~~7:00 a.m.~~ 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. Emergency work, as defined in this section, is excluded from the above restrictions.
- C. Excluding emergency work, construction and demolition activity shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits in Tables I, II or III. At all other times the limits in Tables I, II and III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Alterations or repairs to existing owner-occupied or rental dwellings, community service facilities, or schools may be performed on Saturdays and Sundays between the hours of 10:00 a.m. and 4:00 p.m. subject to compliance with Tables I, II and III as applicable.
- E. Motorized snow removal equipment, ~~with the exception of equipment operated by the City of Jersey City or contractors employed by the City of Jersey City,~~ shall be operated with a muffler or a sound reduction device when being used for snow removal. At all times the limits set forth in Tables I, II or III do not apply. However, in the event of an emergency, equipment operated by the City of Jersey City or contractors employed by the City of Jersey are exempt from noise regulations.
- F. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound, and fifteen (15) minutes for intermittent sound after it has been activated. At all times the limits set forth in Tables I, II or III do not apply.
- G. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator.
- H. ~~All music or other unreasonable noise originating from a sound production device in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music or noise, as measured inside any receiving property dwelling unit is in excess of measures established in Table IV, shall be prohibited.~~
- I. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line

which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- 1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- 2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

§ 222-10. Motor Vehicles

Violations of paragraphs A through D of this section shall be considered purposeful and therefore not a minor violation.

- A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Ice cream and other food vending trucks, while in residential neighborhoods, are prohibited from the playing of jingles while stationary. Jingles may only be played when the vehicle is in motion.
- E. ~~Commercial vehicles shall not be permitted to idle for more than three (3) minutes in any residential district~~
- F. ~~The use of vehicle horns shall not be permitted except as a warning in situations of imminent danger.~~

§222-11. Enforcement

- A. Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- B. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. ~~40:69A-29, 40:49-5, which is \$2,000.~~ If the violation is of a

continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

- C. Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- D. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 222-2 of this ordinance), an NOV shall be issued to the violator.

(1) The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

(2) The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the City of Jersey City, or the Hudson Regional Health Commission. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

- E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than the maximum penalty allowed pursuant to N.J.S.A. ~~40:69A-29~~ 40:49-5, which is \$2,000 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 365 days of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- F. The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- H. The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- I. Any claim for a civil penalty may be compromised and settled based on the following factors:

- (1) Mitigating or any other extenuating circumstances;
- (2) The timely implementation by the violator of measures which lead to compliance;

- (3) The conduct of the violator; and
 - (4) The compliance history of the violator.
- J. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

§ 222-12. Consistency, Severability and Repealer

If any provision or portion of a provision of this ordinance is held to unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated

- B. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
- C. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All material is new, therefore, underlining has been omitted; words in ~~brackets~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed mater by *italic*.

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING CHAPTER 222 (NOISE) REPEALING ARTICLE 1 (NOISE RESTRICTIONS) AND ADOPTING REVISIONS TO LOCAL NOISE-CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Department/Division	Law Department for Councilman Boggiano	
Name/Title	S. Shah, Esq.	Assistant Corporation Counsel
Phone/email	201-547-6572	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

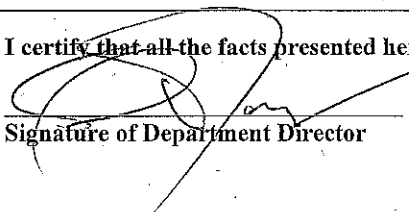
A previous ordinance was tabled (February Ord 16-027). It was then revised in March, then in April (4/27/16); An ordinance was adopted on May 11, 2016 as Ord 16-070. It was even sent to the NJDEP by City Clerk by cover letter of 5/25/16 for final approval.

In a letter dated November 16, 2016, the NJDEP has requested the following modifications that have been made:

1. 222-5D: Individuals must complete Noise Enforcement Certification training from the Noise Technical Assistance Center.
2. The day (7 am to 10 pm) and nightmare (10 pm and 7 am) curfews established in the Model have to be consistent throughout the state.
3. 222-9 E: Jersey City employees are only exempt from the noise regulations during an emergency that conforms to the definition of an emergency on page 2 of the Model. Regardless, all equipment should be equipped with the proper sound reduction devices, such as mufflers.
4. 222-9H: This paragraph was to be removed.
5. 222-10E: This paragraph was to be removed.
6. 222-10F: To be removed since it is not enforceable.
7. 222-11 B & E: Max penalty is \$2000.

See attached letter.

I certify that all the facts presented herein are accurate.


Signature of Department Director

1/5/17
Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. _____ Ord. 17-007

TITLE: _____ 3.G JAN 11 2017 4.F JAN 25 2017

An ordinance amending Chapter 222 (Noise) repealing Article 1 (Noise Restrictions) and adopting revisions to local noise-control protections recommended by the New Jersey Department of Environmental Protection.

RECORD OF COUNCIL VOTE ON INTRODUCTION

JAN 11 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JAN 25 2017 8-0

Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>GAJEWSKI</u> to close P.H.				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALDER
MIKE KULONSKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE

JAN 25 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 11 2017

Adopted on second and final reading after hearing on JAN 25 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 25 2017

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JAN 25 2017

APPROVED:

Steven M. Fulop, Mayor

Date JAN 30 2017

JAN 26 2017

Date to Mayor _____

City Clerk File No. Ord. 17-008

Agenda No. 3.H 1st Reading

Agenda No. 4.G 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-008

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 332
(VEHICLES AND TRAFFIC) ARTICLE VIII (PERMIT PARKING) OF THE
JERSEY CITY MUNICIPAL CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 332 (Vehicles and Traffic) Article VIII (Permit Parking) are hereby adopted:

VEHICLES AND TRAFFIC

ARTICLE VIII Permit Parking

§332-58. Parking Restrictions in Residential Zones.

- A. Through D. No Change.
- E. Parking permits shall be issued for each motor vehicle(s) upon application by the following persons:
- (1) Through (5) No Change.
 - (6) Visitors Parking Permit.

Daily - Issued to a person visiting a residence within a zone who will be parked in excess of the permitted hours. Only homeowners can purchase visitor parking permits ~~[and only up to five (5) permits per month]. Permits may not be sold, exchanged or purchased except directly from the City of Jersey City, Division of Parking Enforcement. Permits are valid only for the month and days specified thereon and shall indicate the make, model and license plate number of the vehicle.~~

- (7) No Change.

- F. Through L. No Change.

§332-58.1. Through §332-67. No Change.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.

- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

SS/he
12/16/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. _____ Ord. 17-008
TITLE: _____ 3.H JAN 11 2017 4.G

JAN 25 2017

Ordinance amending and supplementing Chapter 332 (Vehicles and Traffic) Article VIII (Permit Parking) of the Jersey City Municipal Code. (Parking permits may not be sold, exchanged or purchased except directly through The Division of Parking Enforcement)

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 25 2017 8-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 25 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 11 2017
Adopted on second and final reading after hearing on JAN 25 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 25 2017

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED: [Signature]
Rolando R. Lavarro, Jr., Council President

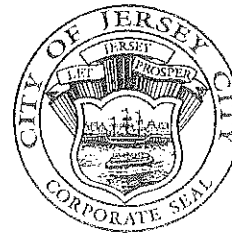
Date JAN 25 2017

APPROVED: [Signature]
Steven M. Fulop, Mayor

Date JAN 30 2017

Date to Mayor JAN 26 2017

City Clerk File No. _____ Ord. 17-010
Agenda No. 3.J 1st Reading
Agenda No. 4.H 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-010

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XIII(PARKING, STANDING AND STOPPING) SECTION 332-31(PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES) AMENDING THE PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES ON THE ENTIRE LENGTH OF CUSTER AVENUE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

- Chapter 332 (Vehicles and Traffic) Article XIII(Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

Section 332-31 Parking restrictions for street cleaning purposes.
No person shall park a vehicle upon any of the streets or sides of the streets either in whole or in part, during the hours of the days listed below.

<u>Name of Street</u>	<u>Side</u>	<u>Days of the Week</u>	<u>Hours</u>	<u>Limits</u>
Custer Av	South	<u>[M - Th]</u>	1:00 p.m. to 3:00 p.m.	<u>[Kennedy Blvd to the dead end]</u>
		<u>Tu - F</u>		
	North	<u>[Tu - F]</u>	1:00 p.m. to 3:00 p.m.	<u>Entire length</u>
		<u>M - Th</u>		

- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- This Ordinance shall take effect at the time and in the manner as provided by law.
- The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: The new material to be inserted is underscored; the material to be repealed is in [brackets].

JDS:pcl
(12.08.16)

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

APPROVED: _____
Director of Traffic & Transportation

APPROVED: _____
Municipal Engineer
APPROVED: _____
Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XIII(PARKING, STANDING AND STOPPING) SECTION 332-31(PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES) AMENDING THE PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES ON THE ENTIRE LENGTH OF CUSTER AVENUE

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Joao D'Souza at the request of Gerald McCann, Supervisor – Street Sweeping – DPW	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

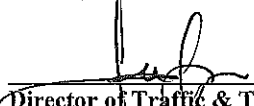
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

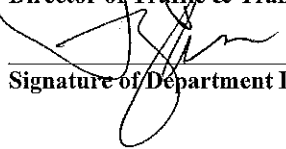
AN ORDINANCE AMENDING THE PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES ON THE ENTIRE LENGTH OF CUSTER AVENUE

This legislation is proposed in order for Section 332-31 (Parking restrictions for street cleaning purposed) of the Municipal Code to reflect the parking restrictions indicated on the signs that are now and have been installed on the entire length of Custer Avenue.

I certify that all the facts presented herein are accurate.



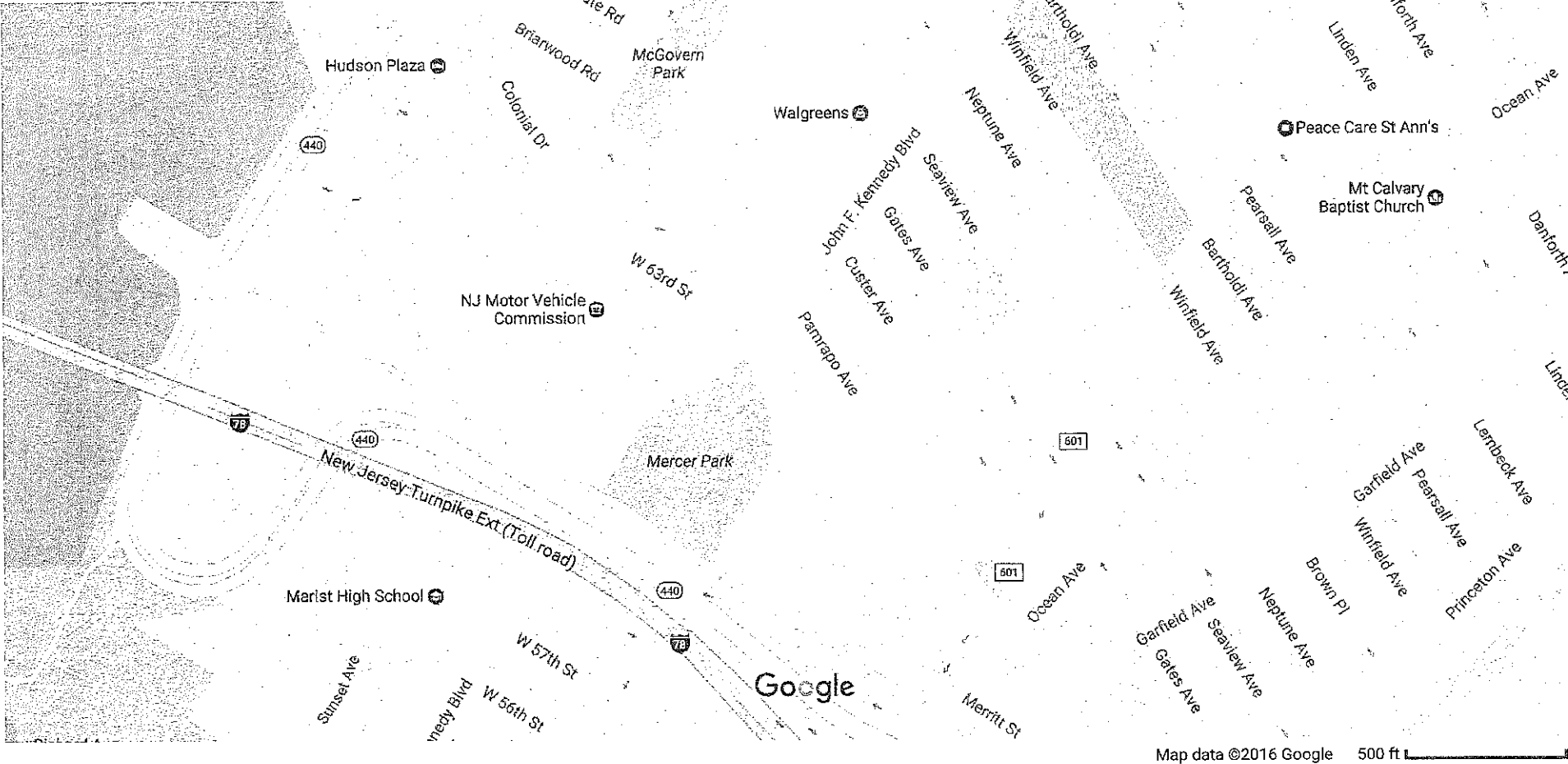
Director of Traffic & Transportation



Signature of Department Director

12/8/16
Date

1/4/17
Date



Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-010
TITLE: 3.J JAN 11 2017 4.H JAN 25 2017

An ordinance supplementing Chapter 332 (Vehicles and Traffic)
Article XIII (Parking, Standing and Stopping) Section 332-31
(Parking Restrictions for Street Cleaning Purposes) amending the
parking restrictions for street cleaning purposes on the entire length
of Custer Avenue.

RECORD OF COUNCIL VOTE ON INTRODUCTION

JAN 11 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JAN 25 2017 8-0

Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	<u>ABSEN</u>			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE

JAN 25 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	<u>ABSENT</u>			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JAN 11 2017

Adopted on first reading of the Council of Jersey City, N.J. on _____

JAN 25 2017

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **JAN 25 2017**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **JAN 25 2017**

APPROVED:

Steven M. Fulop, Mayor

Date **JAN 26 2017**

Date to Mayor _____

*Amendment(s):

City Clerk File No. Ord. 17-011

Agenda No. 3.K 1st Reading

Agenda No. 4.I 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-011

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC)
ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY CODE
AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN HOURS)
DESIGNATING 22 FEET AT 423-425 PALISADE AVENUE AS NO PARKING,
MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS, 7:00 A.M. TO 9:00 A.M. AND
4:00 P.M. TO 6 P.M.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

Section 332-24

PARKING PROHIBITED CERTAIN HOURS

No person shall park a vehicle between the hours specified upon any of the streets or parts thereof listed below.

Name of Street	Side	Days of Week	Hours	Limits
Palisade Av	East	School Days	8:00 a.m. to 4:00 p.m.	205 feet north of Newark Av to Washburn St
	West	M - F	7:00 a.m. to 7:00 p.m.	State Highway 139 100 feet north
	West	M - F	8:00 a.m. to 8:00 p.m.	25 feet north of Laidlaw Av 25 feet north
	West	M - F	7:00 a.m. to 10:00 a.m. 3:00 p.m. to 6:00 p.m.	334 feet south of Hutton St 25 feet south
	<u>West</u>	<u>M - F</u>	<u>7:00 a.m. to 9:00 a.m.</u>	<u>227 feet north of Hutton Street 22 feet north</u>
		<u>Except Holidays</u>	<u>4:00 p.m. to 6:00 p.m.</u>	

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

4. The City Clerk and the Corporation Counsel be and they are hereby authorized and director to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

JDS:pcj
(12.05.16)

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____
Director of Traffic & Transportation

APPROVED: _____
Municipal Engineer

APPROVED: _____
Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY CODE AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN HOURS) DESIGNATING 22 FEET AT 423-425 PALISADE AVENUE AS NO PARKING, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS, 7:00 A.M. TO 9:00 A.M. AND 4:00 P.M. TO 6 P.M.

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Joao D'Souza at the request of Sarah DaSilva, owner of Grow, Learn & Play Day Care Center, 423 Palisade Avenue, Jersey City, New Jersey 201.418.8428 201.912.9511	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

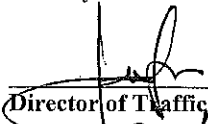
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

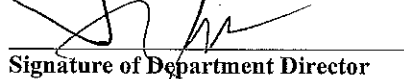
Ordinance Purpose

AN ORDINANCE DESIGNATING 22 FEET AT 423-425 PALISADE AVENUE AS NO PARKING, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS, 7:00 A.M. TO 9:00 A.M. AND 4:00 P.M. TO 6 P.M.

This area will serve as a "drop-off" and "pick-up" area for the Grow, Learn & Play Day Care Center.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation


Signature of Department Director

12/5/16

Date
1/4/17

Date

Google Maps 426 Palisade Ave

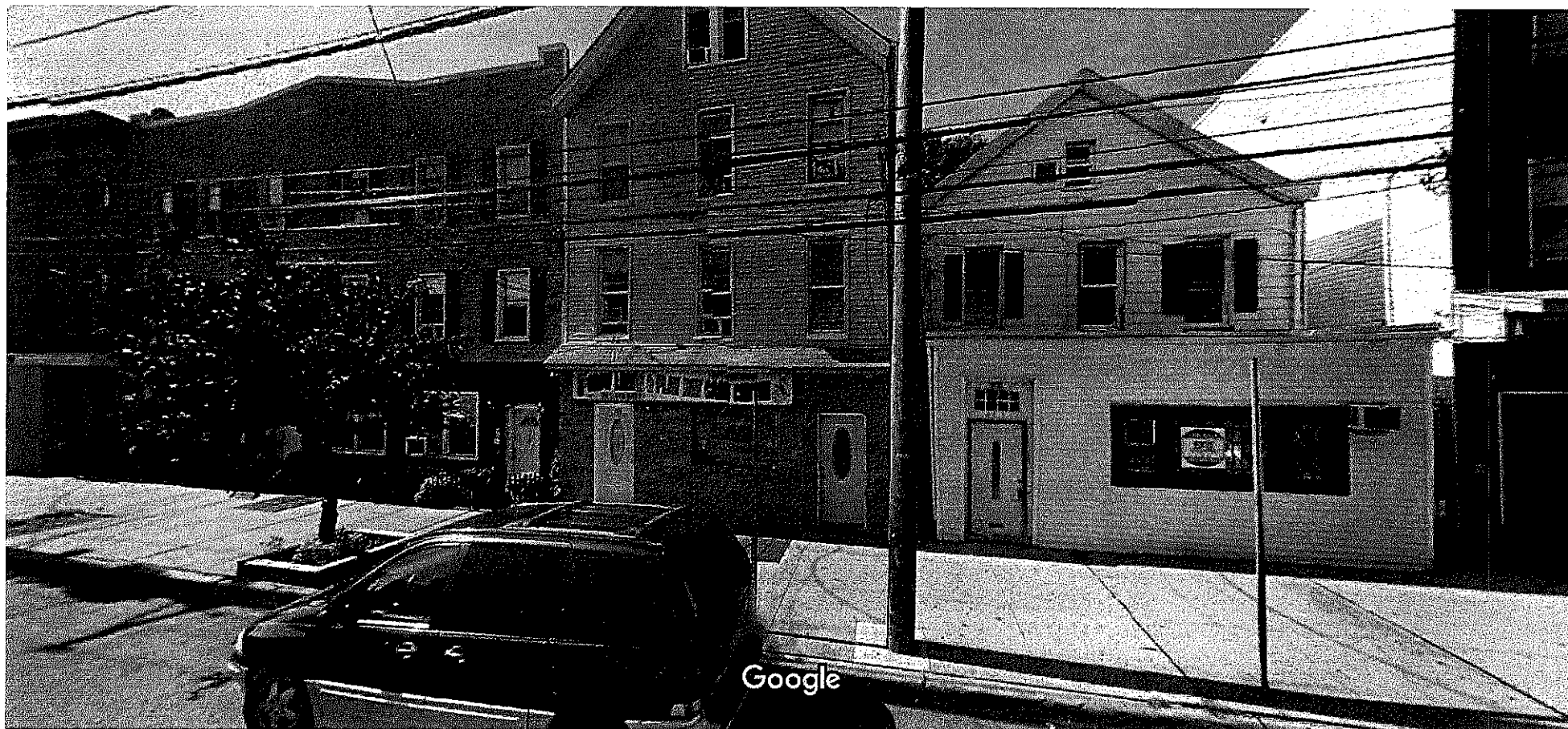
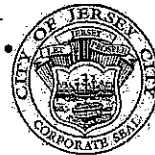


Image capture: Oct 2012 © 2016 Google

Jersey City, New Jersey

Street View - Oct 2012

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 17-011
TITLE: 3.K JAN 11 2017 4.I **JAN 2 5 2017**

An ordinance supplementing Chapter 332 (Vehicles and Traffic)
Article XIII (Parking, Standing and Stopping) Section 332-24
(Parking Prohibited Certain Hours) designating 22 feet at 423-425
Palisade Avenue as no parking, Monday through Friday, except
Holidays, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2017 7-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓						LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 2 5 2017 8-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	<u>ABSENT</u>			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

MIKE KULOWSKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO								LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 2 5 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	<u>ABSENT</u>			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JAN 11 2017

Adopted on first reading of the Council of Jersey City, N.J. on _____

JAN 2 5 2017

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **JAN 2 5 2017**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **JAN 2 5 2017**

APPROVED:

Steven M. Fulop, Mayor

Date **JAN 3 0 2017**

Date to Mayor **JAN 2 6 2017**

City Clerk File No. Ord. 17-012

Agenda No. 3. L 1st Reading

Agenda No. 4. J 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-012

TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 287 (SOLID WASTE), ARTICLE I (STORAGE, COLLECTION AND DISPOSAL), SECTION 28 (DUTIES OF BUILDING OWNERS AND LESSEES) OF THE JERSEY CITY MUNICIPAL CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 287 (Solid Waste), Article I (Storage, Collection and Disposal) are hereby adopted.

ARTICLE I Storage, Collection and Disposal

§287-1. Through §287-27. No Change.

§287-28. Duties of building owners and lessees.

- A. Every owner, tenant, lessee, occupant or person in charge of any building shall provide within and for the exclusive use of such building or part thereof sufficient and suitable receptacles for holding, without leakage, all ashes, garbage, refuse and liquid waste substances that may accumulate between garbage collection in and through the use of buildings or part thereof.
- (1) For the purpose of this section, "sufficient receptacles" means the number of receptacles required to store all of the waste material that shall accumulate upon the premises until the next regular garbage collection.
- (2) For the purpose of this section, "suitable receptacles" means a reusable watertight metal, rubber or plastic receptacle with a tight-fitting cover and equipped with pull handles, so constructed as to prevent spilling or leakage of its contents, or a disposable plastic-bag-type container so manufactured as to be waterproof and of sufficient strength to hold its contents without leakage, spilling or tearing. Metal receptacles only are deemed to be sufficient for the storage of ashes, nonflammables, explosives or other dangerous combustible materials.
- B. Every owner, tenant, lessee, occupant or person in charge of any building shall cause to be put into their respective receptacle all waste materials and substances. No reusable metal, plastic or rubber receptacles shall be filled to a greater height than a line within the receptacle four (4) inches from the top thereof. Receptacles shall be as required in §287-8.
- C. The receptacles shall be kept within the building or in the rear of the premises until the time for the removal of the substances, when the receptacles shall be placed on the sidewalk close to the curb. For any building with ten (10) or fewer units, using trash services provided by the city, no receptacles shall be placed on the sidewalk close to the curb before the hour of 7:00 p.m. of the day prior to the scheduled for removal by the designated agency. For any building with more than ten (10) units using trash services provided by the city, no receptacles shall be placed on the sidewalk close to the curb

before the hour of 10:00 p.m. of the day prior to the scheduled for removal by the designated agency. For any building or business using a trash pick-up service other than service provided by the City of Jersey City receptacles shall be placed on the sidewalk close to the curb more than two (2) hours before pick-up time and on the day scheduled for removal. All receptacles shall remain so placed until the contents thereof shall have been removed by the designated agency, immediately after which the reusable receptacles shall be returned to the building or to the rear of the premises where the reusable receptacles shall be kept, at all times, covered with a tight-fitting cover.

- D. Newspapers, wrapping paper or other light refuse and rubbish likely to be blown or scattered about the streets shall be securely bundled, tied or packed before being placed for removal, and such newspapers, wrapping paper and other light refuse and rubbish, as well as all other refuse and rubbish, shall be kept within the building or in the rear of the premises until the time for the removal thereof, when they shall be placed as the receptacles hereinbefore mentioned are required to be placed.
- E. No receptacle or refuse or rubbish shall be placed as to constitute or contribute to the creation of a nuisance.
- F. Every tenant in one- and two-family houses shall provide himself with the approved receptacles as set forth herein.

§287-29. Through §287-39 No Change.

§287-40. Unlawful hours of operation

It shall be unlawful for any private garbage or refuse collector to collect any such material in any residential area or street in the city before the hour of 8:00 a.m. [or before 9:00 a.m. on Saturdays only.] on weekdays and 9:00 a.m. on weekends or after the hour of 10:00 p.m. all days.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

kk
1/4/17

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____
Business Administrator

ORDINANCE / RESOLUTION FACT SHEET

Full Title of Ordinance/Resolution

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 287 (SOLID WASTE), ARTICLE I (STORAGE, COLLECTION AND DISPOSAL), SECTION 28 (DUTIES OF BUILDING OWNERS AND LESSEES) OF THE JERSEY CITY MUNICIPAL CODE

Initiator

Department/Division	Council	Council
Name/Title	Candice Osborne	Councilwoman
Phone/email	201-547-5315	COsborne@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The within ordinance supplements the garbage pick-up regulations by establishing specific times for the placement of garbage for disposal on the sidewalks. This should minimize the time garbage is open to the elements and vermin.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. _____ Ord. 17-012
TITLE: _____ 3.L JAN 11 2017 4.J JAN 25 2017

Ordinance amending and supplementing Chapter 287 (Solid Waste), Article I (Storage, Collection and Disposal), Section 28 (Duties of Building Owners and Lessees) of the Jersey City Municipal Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 25 2017 8-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>RIVERA</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALLER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 25 2017 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 11 2017
Adopted on second and final reading after hearing on JAN 25 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 25 2017

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED: [Signature]
Rolando R. Lavarro, Jr., Council President

Date JAN 25 2017

APPROVED: [Signature]
Steven M. Fulop, Mayor

Date JAN 30 2017

Date to Mayor JAN 26 2017